



UNITED STATES PATENT AND TRADEMARK OFFICE

Am

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,802	03/23/2001	Konstantinos Psounis	053560-0003	5828
7590	03/08/2005		EXAMINER	
Joseph Yang, Ph.D. Skadden, Arps, Slate, Meagher & Flom LLP 525 University Avenue Palo Alto, CA 94301			WILLETT, STEPHAN F	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,802	PSOUNIS ET AL.	
	Examiner	Art Unit	
	Stephan F Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 December 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-39 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-39 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Who is “connected to said content server” is unclear since it could be the condenser or the user.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U. S.C. 102(e) that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al. with Patent Number 6,178,461.

5. Regarding claim(s) 1, 23, 32, 36-37, Chan teaches a condenser as “encode process 170” between a server and a user as “more compact and efficient form”, col. 4, lines 50-56. Chan teaches a server and a user that accepts user’s document requests, col. 4, lines 22-32. Chan teaches referencing a document with a base document associated with a class as “reference objects”, col. 5, line 2 to obtain said base document as “set of objects”, and “subset”, col. 5, lines

6-8 and/or “from the server cache”, col. 4, lines 33-35. Chan teaches automatically determining said class based on a URL as “distinct tree” and “related topics” or class, col. 8, lines 4-19. Chan teaches condensing a document as “compressing out the similar parts”, col. 5, lines 29, 24-34 relative to said base document and transmitting the document to a user, col. 4, lines 56-59. Chan teaches a delta coding type process, col. 8, lines 33-34

6. Regarding claim(s) 2-3, 9, 12, 21, 24, 27, 33, Chan teaches optimizing the sending of a document, for example by size, based on a URL network request, col. 3, lines 64-67.

7. Regarding claim(s) 4, 6, Chan teaches optimizing computational effort as “computational complexity”, col. 1, lines 47-52 and col. 10, lines 55-57, and this indirectly relates to cost, col. 7, lines 60-67.

8. Regarding claim(s) 5, Chan teaches optimizing time of transmission, col. 11, lines 55-57.

9. Regarding claim(s) 7-8, 25, Chan teaches a plurality of classes that meet thresholds, col. 7, lines 1-6.

10. Regarding claim(s) 10, Chan teaches minimizing the differences, col. 5, lines 28-30.

11. Regarding claim(s) 11, 26, 38, Chan teaches creating new classes or objects, col. 4, lines 1-2.

12. Regarding claim(s) 17, Chan teaches replacing the old document with a new document, col. 6, lines 4-8.

13. Regarding claim(s) 18-19, 30, Chan teaches that the base document is anonymous and lack confidential content, col. 8, lines 4-6 and col. 11, line 1 as anonymous URLs and anonymous dictionary entries that will not contain content of a specific user.

14. Regarding claim(s) 13-14, 16, 28-29, 34-35, Chan teaches condensing based on past

documents preexisting or cached, col. 5, lines 41-56 wherein documents are cached at the user or proxy for a limited time to be used again and again because they needed often.

15. Regarding claim(s) 15, Chan teaches sending the base document for reconstruction, col. 6, lines 4-8.

16. Regarding claim(s) 20, 22, 31, 39, Chan teaches the request identifies the user and document, col. 4, lines 25-27 and determines if a previous request has been made.

17. Regarding claim(s) 21, 33, Chan teaches a document network location as URL, col.4, line 23, and within the same domain, col. 4, lines 41-42 and col. 5, lines 16-19.

18. Regarding claim(s) 40-41, Chan teaches no need to modify a browser by default since it is not mentioned or required in the description, but also since the reference describes a legacy method, among many, to circumvent modifying a completed application, col. 5, lines 11-14.

Response to Amendment

19. The broadened claim language, such as the non use of the condenser, used is interpreted on its face and based on this interpretation the claims have been rejected.

20. The limited structure claimed, without more functional language, reads on the references provided. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

21. Applicant suggests "the user's request includes a URL of the requested object and names of similar objects", Paper Filed 8/16/04, Page 11, lines 25-26. First, the cited portions of Chan by the applicant do not state "similar objects". In any event, the first set of similar objects are not relevant, except that these objects do read as a client class based on object O which is based on a URL, thus the similar objects are base documents. In addition, the subset determined by the

Art Unit: 2142

server is a server class. Applicant adds “only the separate names of the similar objects (not the URL of the requested object) are used”, Paper Filed 8/16/04, Page 11, lines 28-29. But the names are related, relevant, and are classed based on the URL. In any event, Chan teaches automatically determining said class based on a URL as “distinct tree” and “related topics” or class, col. 8, lines 4-19. Ironically, then Chan states “objects pertaining to similar topics”, col. 8, line 18. The references should not be read in a vacuum, the teachings are not mutually exclusive, and must be taken in context of what was reasonable based on the subject matter as a whole as would have been understood at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. The description in the reference is not obfuscated by the numerous other suggested usages of said description in the reference. Thus, Applicant’s arguments can not be held as persuasive regarding patentability.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to perform document condensing, thus a close review of them is suggested, particularly, Schloss et al. with Patent Number 6,249,844, Leighton et al. with Patent Number 6,108,703 and Sokol et al. with Patent Number 6,405,211.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571) 272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.
2. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Stephan Willett



Patent Examiner

March 4, 2005